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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/690,770

10/21/2003

Paul Resnick

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09/25/2006

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EXAMINER

CRABTREE, JOSHUA DAVID

ART UNIT

PAPER NUMBER

3715

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/690,770

Applicant(s)

RESNICK, PAUL

Examiner

Joshua D. Crabtree

Art Unit

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/2/04; 1/28/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-8, and 11-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kelton et al. (US 6,729,884).

Kelton et al. disclose an Internet-based game for teaching financial responsibility to a child.

With regard to claim 1, and the limitation of displaying a graphic user interface upon a personal display device, said graphic user interface having at least one educational game operatively linked to a stored value financial transaction account, Kelton et al. disclose this feature (Col. 3: 8-46).

With regard to the limitation of relaying information including transaction requests from said graphic user interface to the stored financial transaction account according to a system of rules designated by an account administrator, Kelton et al. disclose that the user may perform transactions similar to typical banking transactions,

which are governed by the game rules (Col. 11: 1-33). The child may make withdrawals from, and deposits to the account (Col. 21: 4-14).

With regard to the limitation of relaying account information from the stored value financial transaction account to the graphic user interface, Kelton et al. disclose that account information is displayed to the child (Col. 3: 8-46; Col. 9: 15-27; See Fig. 17).

With regard to the limitation whereby transaction requests are received from the graphic user interface and transmitted to the stored value financial transaction account according to the system of rules designated by an account administrator and account information is relayed from the stored value financial transaction account to the graphic user interface according to the system of rules, Kelton et al. disclose that interaction with the account follows a system of “E-Critter Game Rules” (Col. 11: 1-33). Account information is relayed to the computer screen (Fig. 17). Kelton et al. also disclose that the game is controlled by a game site operator, such as a financial institution or education partner (Col. 7: 14-39; Col. 8: 39-62; Col. 23: 57-62).

With regard to claim 2, and the limitation wherein the stored value financial transaction account is a stored value account able to receive deposits from a variety of sources and to disperse payments and withdrawals upon direction from an account holder, Kelton et al. disclose that the child, as well as a parent, may make deposits (11: 29-31; Col. 21: 11-14). Kelton et al. disclose that the child, or account holder, may make withdrawals from the account (Col. 23: 34-42).

With regard to claim 3, and the limitation of establishing a system of account administration rules wherein the rules govern the flow of information and transactions through the graphic user interface and through the stored value transaction account, Kelton et al. disclose that the game site operator may use a system algorithm model and/or a collectability/stock model to control how the value fluctuates among the e-critters (Col. 8: 39 – Col. 9: 15; Col. 23: 57-62).

With regard to claim 4, and the limitation wherein the graphic interface is customizable according to the desires of a user to include information, presentations and formats selected by the user, Kelton et al. disclose that a parent may choose whether or not the menu displays a link to the sponsor's website (Col. 12: 5-9). Kelton et al. disclose a "Parents and Teachers" link, which links to a menu containing teacher specific menu options, which allow the user to choose lesson plans, specific lessons, and links to other resources (Col. 12: 54 – Col. 13: 10). Kelton et al. also disclose that the user may participate in modifying his or her play environment through design of new characters, suggesting locations for new stories, and writing new adventure stories (Col. 10: 40-55).

With regard to claim 5, and the limitation of updating account balances as transactions and requests are completed, Kelton et al. disclose this feature (Col. 23: 22-33).

With regard to claim 6, and the limitation of monitoring the movements and progress of the user in playing the games, and assessing the ability and progression of

the user's movements and progress, Kelton et al. disclose that the child progresses through an adventure story, and is awarded with points or a virtual creature (Col. 8: 6-13). Kelton et al. also disclose that the child may advance to higher levels, according to the child's progress (Col. 11: 10-21). The child may track his or her performance (Col. 21: 10-14).

With regard to claim 7, and the limitation of preparing reports regarding the account and the monitoring, Kelton et al. disclose displaying a report of the child's account information (Fig. 17; Col. 14: 53-56). Kelton et al. also disclose that the child will receive an email message regard his or her progress to a higher level (Col. 11: 15-21).

With regard to claim 8, and the limitation of transmitting the reports to the account administrator and to depositors, Kelton et al. disclose that the child, as well as the parent, may view the account information (Col. 14: 53-56). The game site operator has access to child's account information as well (Col. 9: 15-20).

With regard to claim 11, Kelton et al. disclose a method of teaching financial management to children in an arrangement comprising the Internet and a user computer (Col. 1: 9-12; Col. 3: 8-22; Col. 5: 34-40). Kelton et al. disclose that a financial institution may host the game (Col. 7: 35-39).

With regard to a customizable graphic user interface having a game linked to a financial account, Kelton et al. disclose a game linked to an account (Col. 3: 8-46). Kelton et al. disclose that a parent may choose whether or not the menu displays a link to the sponsor's website (Col. 12: 5-9).

With regard to the limitation of processing a variety of inputs from the graphic interface, including conducting at least one financial transaction from direction received from the game, Kelton et al. disclose this feature (Figs. 1, 3-15).

With regard to the limitation wherein inputs created from the game are connected to the financial account and a system of administration allows the inputs to perform financial transactions, Kelton et al. disclose that the child may make transactions with regard to the account (Col. 21: 5-14).

With regard to claim 12, Kelton et al. disclose that the invention is an educational computer game (Col. 3: 8-22).

With regard to claim 13, and the limitation of regulating the processing of transactions based upon a system of administrative rules, said rules outlining the restrictions on the processing of transactions, Kelton et al. disclose that the game site operator may use a system algorithm model and/or a collectability/stock model to control how the value fluctuates among the e-critters, which determines what types of transactions the child may perform (Col. 8: 39 - Col. 9: 15; Col. 23: 57-62).

With regard to claim 14, and the limitation of accepting deposits into the account from at least one depositor, Kelton et al. disclose that the child, as well as a parent, may make deposits (11: 29-31; Col. 21: 11-14).

With regard to claim 15, Kelton et al. disclose that the game is a children's educational game (Col. 3: 8-22).

With regard to claims 16-18, Kelton et al. disclose that the display device may be a personal computer, personal digital assistant, or cellular telephone (Col. 7: 14-39).

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 9, 10, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelton et al. in view of Bergman (US 5,890,905).

With regard to claims 9 and 19, Kelton et al. do not disclose notifying a depositor when a deposit has been received in the financial transaction account. Bergman teaches an educational and life skills organizer which notifies a user when a deposit has



occurred in a bank account (Col. 12: 63 – Col. 13: 11). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Bergman into the invention of Kelton et al. in order to notify the child when a deposit has been received.

With regard to claim 10, and the limitation of notifying the account holder and the account administrator when deposits have been placed within the account, Kelton et al. disclose that the game site operator also has access to child's account information (Col. 9: 15-20). Kelton et al. do not disclose notifying the account holder when a deposit has occurred. Bergman teaches this feature, as described above.

With regard to claim 20, and the limitation of creating an account with a financial institution, Kelton et al. disclose this feature (Col. 2: 3-20; Col. 5: 40-45; Col. 7: 35-60).

With regard to the limitation of linking the account to an application software, Kelton et al. disclose this feature (Col. 16: 18-33).

With regard to the limitation of establishing a system of administrative rules governing the activities and access to the account, said system of administrative rules governed by an account administrator, Kelton et al. also disclose that the game is controlled by a game site operator, such as a financial institution or education partner (Col. 7: 14-39; Col. 8: 39-62; Col. 23: 57-62). The game site operator may use a system algorithm model and/or a collectability/stock model to control how the value fluctuates among the e-critters (Col. 8: 39 – Col. 9: 15; Col. 23: 57-62).

With regard to the limitations of displaying on a personal computer an opening display wherein a party is asked to submit a password, receiving a login name and password entry from the personal computer, and matching the name and password pair with a designated account, Kelton et al. disclose these features (See Fig. 3; Col. 14: 25-27).

With regard to the limitation of displaying on a personal computer a graphic user interface, customizable to reflect the desires, attitudes, age and personality of a user, said graphic user interface comprising a variety of desired educational games, activities, and presentation formats, Kelton et al. disclose displaying a graphic user interface (Col. 3: 8-46; Figs. 1, 3-15). Kelton et al. disclose that the interface comprises a variety of educational games and activities (Col. 3: 8-55; Col. 4: 53-62). With regard to customizing the interface to reflect the desires, attitudes, age, and personality of a user, Kelton et al. disclose that the user may participate in modifying his or her play environment through design of new characters, suggesting locations for new stories, and writing new adventure stories (Col. 10: 40-55).

With regard to the limitations of receiving information from the graphic user interface, sending information to the financial institution server, and connecting the graphic user interface with an electronically accessible banking account within an electronically accessible banking system located upon the financial institution server, said account able to receive deposits from a variety of sources and disperse payments

and withdrawals according to the system of administrative rules, Kelton et al. disclose these features (Col. 7: 14-60; Col. 11: 27-33; Col. 12: 22-38; Col. 23: 9-50).

With regard to the limitation of regulating a flow of information between the graphic user interface and the account according to the system of rules and regulations, the game site operator may use a system algorithm model and/or a collectability/stock model to control how the value fluctuates among the e-critters (Col. 8: 39 - Col. 9: 15; Col. 23: 57-62).

With regard to the limitations of receiving information from the financial institution server into the application, and transmitting information from the application to the graphic user interface, Kelton et al. disclose this feature (Col. 23: 22-50).

With regard to the limitation of receiving deposits from a variety of depositors into the account, Kelton et al. disclose that the child, as well as a parent, may make deposits (11: 29-31; Col. 21: 11-14).

With regard to the limitation of notifying the account holder and account administrator when deposits have been placed within the account according to the system of administrative rules, Kelton et al. disclose that the game site operator also has access to child's account information (Col. 9: 15-20). Kelton et al. do not disclose notifying the account holder when a deposit has occurred. Bergman teaches this feature, as described above.

With regard to the limitation of receiving requests from the account holder for information transmittal, funds withdrawals, purchases, and transactions from the account, Kelton et al. disclose this feature (Col. 21: 5-37; Col. 23: 22-50).

With regard to the limitation of processing the requests according to the system of administrative rules, Kelton et al. disclose this feature (Col. 8: 63 – Col. 9: 7; Col. 11: 1-33).

With regard to the limitation of updating account balances as transactions and requests are completed, Kelton et al. disclose this feature (Col. 23: 22-50).

With regard to the limitation of transmitting reports regarding the account, and said games to the account administrator and to a depositor, Kelton et al. disclose that the child, parents, and game site operator each have access to the account information (Col. 14: 53-5; Col. 9: 15-20).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kiyosaki et al. (US 6,106,300) disclose a game for teaching fundamental aspects of personal finance, investing, and accounting to children.

Joffe (US 2002/0164561) discloses a method for teaching financial management.

Campbell (US 5,071,135) discloses a board game for teaching financial principles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Crabtree whose telephone number is 571-272-8962. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*JL*  
Joshua D. Crabtree  
September 11, 2006

*Kathleen Mosser*  
KATHLEEN MOSSER  
PRIMARY EXAMINER